



DEPARTMENT OF PARKS AND RECREATION

Inland Empire District
17801 Lake Perris Drive
Perris, CA 92571
(909) 657-0676
<http://www.parks.ca.gov>

Ruth G. Coleman, Acting Director

COMMENT LETTER # 12

RECEIVED

AUG 09 2002

PLANNING DIVISION

August 6, 2002

Karen A. Haluza, AICP, Senior Planner
Development Services Department
City of Brea
#1 Civic Center Circle
Brea, CA 92821

Re: Draft Environmental Impact Report for the proposed Canyon Crest project,
SCH No. 199911115

Dear Ms. Haluza:

The Inland Empire District of the Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the aforementioned project.

State Parks is a trustee agency as defined by the California Environmental Quality Act (CEQA). State Parks' mission in part is to provide for the health, inspiration, and education of the people of California by preserving the state's extraordinary biodiversity and creating opportunities for high quality outdoor recreation.

As the office responsible for the stewardship of Chino Hills State Park (CHSP), we have an interest and concern about contemplated alterations of land use in the vicinity of the park. The long-term health of CHSP is dependent on the health of the regional ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries. In general, State Parks requests denial of the proposed project due to the number of significant impacts remaining after mitigation, and the amount of impact created by mitigation.

State Parks appreciates efforts made to reduce the project's level of impact on park resources. However, despite efforts made to provide mitigation and the layout redesign on a number of occasions, the proposed project still generates a substantial number of significant impacts related to park operations, ecosystem health, aesthetics, emergency response, circulation, and wildlife movement. Furthermore, it appears that the size of the development is directly proportional to the levels of impact (i.e., the larger the development area, the higher amount of significant impacts, etc.). For these reasons, we suggest looking at alternate designs which reduce the development area, thereby reducing the amount of impact.

A

Visual impacts will substantially diminish the State Park experience for visitors, contrary to the reference, "slightly diminishing" on Page 4.6-6. Despite measures proposed to reduce the level of impact, significant impacts will remain.

A proposed mitigation measure, the reduction in the water flow (cfs), may alter aquatic resources downstream in CHSP. We suggest providing studies to account for the impact created by this mitigation.

Biological Resources

The following is a discussion of how the proposed project affects biological resources:

Special Status Species: Catalina Mariposa Lily (*Calochortus catalinae*)

Given the importance of the Catalina Mariposa Lily (*Calochortus catalinae*) and the potential effects of the loss of these individuals to the regional population, the areas where it occurs should be avoided, or the plants should be salvaged and transplanted to the nearest suitable on-site location.

Sensitive Habitats

Native Trees

As the document indicates, the site supports several habitat types considered sensitive by the California Department of Fish and Game. All of these communities are both extremely important and threatened in the region. We are particularly concerned about the Southern California Black Walnut (*Juglans californica* var. *californica*) which is endemic to this area. The total acres of this species that are in conservation are limited and much of the remainder on private lands is threatened. We suggest pursuing an alternative that avoids these communities to the maximum extent feasible.

The proposed mitigation for the loss of native trees, including 917 Southern California Black Walnut trees and 671 Coast Live Oak trees (*Quercus agrifolia*), is to plant 4,866 replacement trees in designated tree mitigation areas. The creation of habitat, to replace habitat lost to development does not provide certainty, while avoiding habitat does. More importantly, the tree mitigation areas would displace naturally occurring chaparral, annual grassland and other habitat. For these reasons, an alternative should be pursued that incorporates more avoidance and relies less on artificial tree plantings of dubious integrity.

Sensitive Wildlife Species

Although the document discloses the actual or potential occurrence of a number of sensitive wildlife species, the potential impacts to these species and related avoidance, mitigation

and minimization measures remain largely overlooked. We suggest performing additional surveys for these species to provide adequate analysis and possible substantiation for the lack of avoidance, mitigation, and minimization.

Avifauna

California Gnatcatcher (*Poliophtila californica*)

The draft EIR states that no California Gnatcatchers (CAGN) were observed during focused surveys but that the bird was identified on one occasion by call off-site on the parcel adjacent to the western boundary. The presence of an individual in the area and of coastal sage scrub on the property is indicative of its potential to provide connectivity between core populations found in CHSP and Tonner Canyon.

The sub-population of CAGN in the Puente-Chino Hills has been decimated in recent years due to the take of nesting pairs and the loss and degradation of its habitat. Based on recent surveys of the Puente-Chino Hills, the average total breeding population of the CAGN is likely near fifty pairs. As a general rule fifty or more breeding individuals are needed to prevent the harmful effects of inbreeding and 500 or more breeding individuals are needed for a population to be able to adapt to changes over time.

Given the small number of CAGN in the Puente-Chino Hills, the maintenance of connectivity between the remaining nesting pairs is crucial to the population's persistence. The loss and fragmentation of coastal sage scrub habitat which would result from the construction of the proposed project would significantly reduce the potential exchange of individuals between core populations. Loss of exchange between core populations could ultimately lead to the extirpation of CAGN in all or part of the Puente-Chino Hills. This effect should be analyzed and addressed by the EIR.

The current configuration of the proposed project introduces urban edge effects to the remaining coastal sage scrub that will likely result in its eventual degradation. The effects of urban edge including habitat degradation could also affect the movement of CAGN. This effect should be analyzed and addressed in the EIR.

least Bell's Vireo (*Vireo bellii pusillus*)

Recent nesting records suggest that the least Bell's Vireo is re-occupying its historic range as habitat restoration and other conservation measures are implemented. Although it was not detected during focused surveys, it has the potential to occur on the site in the future. The EIR should consider the effects of the project on Vireo habitat both in a local and regional context.

Golden Eagle (*Aquila chrysaetos*)

The draft EIR does not discuss the potential effects of the proposed project on this species. There are two contemporary Golden Eagle nest sites in the Puente-Chino Hills, and wintering birds are commonly sighted. A golden eagle was observed foraging west of the proposed project in the area of the Aera Energy (formerly Shell Oil) property (Cooper 1999). He also observed an adult foraging in the Rose Hills portion of the Whittier Hills in the summer 1997. Grassland is the primary foraging habitat of golden eagles. CEQA guideline 15065 requires a mandatory finding of significance if a project has the potential to substantially reduce the habitat of wildlife species, to cause a wildlife population to drop below self sustaining levels, to threaten to eliminate and animal community or to reduce the number or restrict the range of a rare species. It is clear that the proposed project will have one or more of these effects on golden eagles.

White-Tailed Kite (*Elanus leucurus*) and Northern Harrier (*Circus cyaneus*)

Suitable foraging and nesting habitat for both species is at a premium throughout the region, and specifically the Puente-Chino Hills. In light of the ongoing, cumulative loss of habitat in this area, the loss of any additional habitat should be considered significant. The project will reduce foraging and nesting habitat for these species and introduce urban edge to the remaining habitat which may preclude both species from utilizing it. These impacts need to be analyzed and addressed in the EIR.

Long-eared Owl (*Asio otus*)

We do not agree with the finding of the draft EIR of a low potential for Long-Eared Owls on the project site. Suitable habitat exists and surveys should be conducted to determine its presence and potential impacts.

Other Sensitive Avifauna Species

The draft EIR discloses the potential or actual occurrence of a number of other sensitive species of birds yet it does not discuss potential impacts to them. The EIR should analyze and address the potential impacts of the project to these species.

Reptiles and Amphibians

The draft EIR identifies twelve sensitive species of reptiles and amphibians that occur or potentially occur on the site. Surveys of herpetofauna in the Puente-Chino Hills by the United States Geological Survey, Biological Resources Division indicate that the total should be at least sixteen (Haas et al., 2002). Additional species that should be analyzed and addressed by the EIR are as follows:

H

I

J

K

Scientific Name	Common Name	Listing	Detected by USGS	Comments
<i>Eumeces skiltonianus</i>	Western Skink	FC	x	May be negatively affected by Argentine ants.
<i>Thamnophis sirtalis infernalis</i>	California Red-sided Garter Snake	CSC	x	Suitable habitat may exist in Tonner or Carbon Creek
<i>Anniella pulchra</i>	California Legless Lizard	CSC, FC		
<i>Coleonyx variegates abbotti</i>	Coastal Banded Gecko	FC		
FC = Federal Candidate Species		FE = Federally Endangered		
CSC = California Species of Special Concern				

In addition to the species listed above there are several species of local concern that have no current state or federal status. They include the arboreal salamander (*Aneides lugubris*), and the Black-bellied salamander (*Batrachoseps nigriventris*). Potential effects to these species and their populations should be considered.

The draft EIR states that, a Coast Horned Lizard (*Phrynosoma coronatum*) was observed, yet it provides no analysis or mitigation for direct or cumulative impacts to this species. The EIR needs to provide an analysis and to explore potential mitigation measures for this species.

The draft EIR states that "suitable habitat is found on the property providing a moderate likelihood of occurrence" of the San Bernardino, San Diego Ringneck Snake (*Diadophis punctatus*) and the Coastal Western Whiptail (*Cnemidophorus tigris multiscutatus*), yet it contains no specific analysis of potential impacts to these species. The EIR should analyze and address potential direct and cumulative impacts to these species.

Northern Red-Diamond Rattlesnake (*Crotalus ruber ruber*)

The Northern Red-Diamond Rattlesnake has an extremely limited range in the United States, and much of its habitat has been lost to development. The draft EIR states that it is expected to occur. Given these facts, the northern red-diamond rattlesnake should be given special consideration by the EIR. Potentially significant direct and cumulative impacts should be analyzed and addressed.

Southwestern Pond Turtle (*Clemmys marmorata pallida*)

The potential construction of the main project access road with a crossing at Carbon Creek, the increase in daily vehicle trips on Carbon Canyon road from the proposed development, and the development itself has the potential to cause significant impacts to pond turtles. Potential impacts include increase road kills, increased runoff and pollution from roads and homes, impediments or barriers to dispersal caused by the stream crossing, and increased

collection of turtles. The draft EIR should analyze and address the direct and cumulative effects of the project to the Southwestern Pond Turtle.

Mammals

The draft EIR mentions seven sensitive mammal species that were not observed but have the potential to occur on site yet it includes no analysis of the project's potential impacts to these species. The EIR should analyze and address both direct and cumulative impacts to sensitive mammal species. Additional surveys should be considered to aid in the analysis, especially for species that are expected or have a moderate to high potential to occur.

Additional sensitive species that should be addressed by the EIR include the San Diego Black-tailed Jackrabbit (*Lepus californicus bennettii*) a federal species of concern, and the Southern Grasshopper Mouse (*Onychomys torridus ramona*).

Four species of local concern should also be considered. They are, the American Badger (*Taxidea taxus*), Bobcat (*Lynx rufus*), the Long-tailed Weasel (*Mustela frenata*) and the Gray Squirrel (*Sciurus griseus*), that were detected during the biological surveys or have the potential to occur on the project site. Bobcats, Badgers and Long-tailed Weasels are at risk of local extirpation, and the unique population of low elevation Gray Squirrels in the Puente-Chino Hills depends on continuous swaths of woodland habitat. The EIR should analyze and address the potential impacts of the proposed project on these species.

Wildlife Movement Corridors

We appreciate the acknowledgement of the critical importance of the proposed project area to regional connectivity, and the level of assessment and analysis of this issue. However, the reliance on four focal species of terrestrial mammals and the statement "topography dictates major movement routes, with ridgelines and drainage bottoms being the primary routes for wildlife movement," indicates a limited focus and analysis that does not address other vulnerable species that may not follow the same movement patterns as large terrestrial mammals. The term "corridor" should be defined as internally heterogeneous swaths of habitat that permit the spread of many or most taxa from one region to another (Brown and Gibson, 1983). In this case, the entire project area serves as the corridor between the Whittier Hills to the northwest and the Chino Hills and Santa Ana Mountains to the southwest. Different species disperse through different types of habitat (Noss 1991). The upland habitats in the project including chaparral, coastal sage scrub, grassland, and walnut and oak woodland are each essential to the movement of different types and groups of species. As acknowledged by the document, the proposed project would significantly reduce natural habitat and create a significant barrier to wildlife movement. As configured it may create a filter, "a dispersal route containing a more limited habitat spectrum through which certain species pass and others are excluded" (Noss 1991). Significant impacts to connectivity, particularly for species using upland habitats, would occur if the proposed alternative is adopted without significant modifications.

The previously cited herpetofauna survey of the Puente-Chino Hills (Haas et al., 2002) showed a decline in the number of sensitive species from east to west. It also showed low species evenness in the Whittier Hills – the two most common species accounted for 75% of the captures. Both of these measures strongly suggest that the herpetofauna in the Whittier Hills are being impacted by habitat fragmentation. The proposed project alternative would exacerbate this problem. The EIR needs to analyze and address the potential effects of the proposed project on plant and animal exchange in the context of the full range of habitats found on the project site.

Page 4.1- 44 states that the utilization of the corridor is severely constrained due to several unfavorable conditions. It goes on to describe those constraints. State Parks agrees with this finding. An alternative needs to be adopted that eliminates the more onerous constraints. At a minimum the final project configuration should eliminate the manufactured slopes at the top of the canyon in Open Space “A”, Exhibit 4.1-7, preserving the upper reaches of the blue line stream to maintain connectivity to Lions and Tonner Canyons, and it should ensure wildlife passage through Open Space “B”.

Also, the alignment of the southern entrance road should be re-engineered to the extent possible to avoid the blue line stream at the mouth of the canyon in Open Space “A”.

The “Reduced Density” project alternative has clear advantages that would greatly reduce impacts to connectivity. This alternative or a similar variation should be considered for adoption in the final EIR.

Fuel Modification

The Final EIR should provide a definitive description of the fuel modification areas. The fuel modification zones should avoid the use of any invasive exotic plants as referenced in the California Exotic Pest Plant Council’s exotic pest plant list (<http://www.caleppc.org/>). The Orange County Fire Authority (OCFA) list of acceptable plants for fuel modification zones includes a number of locally occurring native plants. The EIR should specify that locally occurring native plants approved by the OCFA be used in the “dry” fuel modification zones adjacent to natural areas.

The establishment of irrigated “wet zones” creates conditions for the establishment of non-native Argentine ants. The EIR should analyze and address the potential effect of Argentine ants on the decline of certain species of herpetofauna, and other species including nesting songbirds.

Thank you again for the opportunity to comment and for your serious consideration. For further discussion, please contact me or Enrique Arroyo, District Planner, at (909) 657-0676.

Ms. Karen A. Haluza
Canyon Crest DEIR
August 6, 2002
Page 8 of 8

Sincerely,



Gary Watts
District Superintendent

cc: Rick Rayburn, California State Parks
Will Miller, US Fish and Wildlife Service
Brad Henderson, Department of Fish and Game
Phyllis Traebold, Army Corp of Engineers
Judi Tamasi, WCCA
Nadell Gayou, The Resources Agency
Scott Morgan, State Clearinghouse

Literature Cited

Brown, J. H. and A. C. Gibson. 1983. Biogeography. C. V. Mosby Company, St. Louis, Missouri.

Scott, T.A. and D.S. Cooper. 1999. Summary of Avian Resources of the Puente-Chino Hills Corridor.

Haas, C., A.R. Backlin, C. Rochester and R. Fisher. 2002. Monitoring Reptiles and Amphibians at long term biodiversity monitoring stations: the Puente-Chino Hills. Final Report.

Noss, Reed F. 1991. "Landscape Connectivity: Different Functions at Different Scales". Landscape Linkages and Biodiversity. edited by Wendy Hudson. Island Press, Washington D.C.